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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,011	11/21/2001	Jai Menon	BELL-0170/01415	6099
38952	7590	05/16/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			PITARO, RYAN F	
			ART UNIT	PAPER NUMBER

2174

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/990,011

Applicant(s)

MENON ET AL.

Examiner

Ryan F Pitaro

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. Claims 1-24 have been examined.

### ***Response to Amendment***

1. This communication is responsive to Amendment A, filed 1/18/2005.
2. Claims 1-24 are pending in this application. Claims 1 and 13 are independent claims. This action is Non-Final.

### ***Claim Objections***

2. Claims 14-17, 19-24 are objected to because of the following informalities: Each claim is dependent on a computer readable medium of claim 1. However, claim 1 is a method claim and claim 13 is a computer readable medium claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-12 are rejected under 35 U.S.C 101. The claimed invention is directed to non-statutory subject matter. Claims 1-12 are not statutory for at least the reason that it is not tangibly embodied in a manner so as to be executable.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1,9,11,13,21,23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmerman et al ("Zimmerman", US 2001/0012990) in view of Synapse ("Synapse", Synapse: Banalyzer – Online Network Protocol Database).

As per claim 1, Zimmerman teaches a method for modeling a computing architecture, the method: identifying a plurality of computing layers, each computing layer representing a functional layer of the computing architecture (Paragraph 4); identifying a computer system (Paragraph 3); identifying, for the computing system, at least one of the plurality of computing layers that is implemented by the computing system (Paragraph 18). Zimmerman does not teach a plurality of computing systems and displaying a first and second plurality of bars. However, Synapse teaches displaying a first plurality of bars in stacked relationship to each other, each of the first plurality of bars representing a computing system, wherein each of the first plurality of bars representing a computing layer of the plurality of computing layers (Figure 1 item 10), displaying a second plurality of bars approximately orthogonal to the first plurality of bars and over at least a portion of the first plurality of bars (Figure 1, Novel, Netware, etc.), each of the second plurality of bars representing a computing system (Figure 1, Novell, Apple), wherein each of the second plurality of bars extends through a portion of the first plurality of bars an amount corresponding to the identified at least one of the computing layers that is implemented by the computing system represented by the bar

Art Unit: 2174

(Figure 1, wherein each system spans the appropriate layer and omits the layers that it does not utilize i.e. physical layer which is hardware). Therefore it would have been obvious to an artisan at the time of the invention to combine the method of Zimmerman with the teaching of Synapse. Motivation to do so would have been to visually display the relationships within systems.

As per claim 9, which is dependent on claim 1, Zimmerman-Synapse disclose a method wherein displaying a first plurality of bars comprises displaying, from top to bottom, a horizontal bar for each of a presentation layer, a business logic layer, a data layer, and an infrastructure layer (Synapse, Figure 1 item 10; wherein 1-7 represent each layer of the OSI model which includes a presentation layer 6, a data layer 2, a infrastructure layer 1, and a business logic layer 7).

As per claim 11, which is dependent on claim 1, Zimmerman-Synapse disclose a method further comprising displaying a conduit within one of the first plurality of bars, the conduit representing communication link between computing systems (Zimmerman, Figure 4).

Claim 13 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

Claim 21 is similar in scope to that of claim 9, and is therefore rejected under similar rationale.

Claim 23 is similar in scope to that of claim 11, and is therefore rejected under similar rationale.

7. Claims 2 and 14 are rejected under 35 U.S.C 103 (a) as being unpatentable over Zimmerman et al ("Zimmerman", US 2001/0012990) and Synapse ("Synapse", Synapse: Banalyzer – Online Network Protocol Database) as applied to claim 1 above, and further in view of Lee ("Lee", US 2001/0054035).

As per claim 2, which is dependent on claim 1, Zimmerman-Synapse fails to disclose displaying a first rectangle stacked adjacent to the first plurality of bars representing a human interface portal. However, Lee discloses displaying a first rectangle stacked representing a human interface portal (Figure 6a). Therefore it would have been obvious to an artisan at the time of the invention to combine Lee's teaching with the method of Zimmerman and Synapse to visually display the association of portals to the systems.

Claim 14 is similar in scope to that of claim 2, and is therefore rejected under similar rationale.

8. Claims 3 and 15 are rejected under 35 U.S.C 103 (a) as being unpatentable over Zimmerman et al ("Zimmerman", US 2001/0012990) and Synapse ("Synapse", Synapse: Banalyzer – Online Network Protocol Database) as applied to claim 1 above, and further in view of Sheard ("Sheard", US 6,208,345).

As per claim 3, Zimmerman-Synapse fails to disclose displaying a second rectangle region comprising business to business integration. However, Sheard teaches the visual representation of data architecture displaying a rectangle for business integration (Figure 15). It would have been obvious to an artisan at the time of the

Art Unit: 2174

invention to combine Sheard's teaching with the method of Zimmerman-Synapse to visually display the interconnections between businesses.

Claim 15 is similar in scope to that of claim 3, and is therefore rejected under similar rationale.

9. Claims 4 and 16 are rejected under 35 U.S.C 103 (a) as being unpatentable over Zimmerman et al ("Zimmerman", US 2001/0012990) and Synapse ("Synapse", Synapse: Banalyzer – Online Network Protocol Database) as applied to claim 1 above, and further in view of Vanden Huevel et al ("Vanden Huevel", US 5,426,422).

As per claim 4, which is dependent on claim 1, Zimmerman-Synapse fails to disclose displaying an icon to indicate a preselected area of the computing architecture. Vanden Huevel teaches the display of icons representing preselected areas (Figure 6, Column 5 lines 54-57). Therefore it would have been obvious to an artisan at the time of the invention to combine Vanden Huevel's teaching with the method of Zimmerman-Synapse to visually display the areas that were accessed before.

Claim 16 is similar in scope to that of claim 4, and is therefore rejected under similar rationale.

10. Claims 8 and 20 are rejected under 35 U.S.C 103 (a) as being unpatentable over Zimmerman et al ("Zimmerman", US 2001/0012990) and Synapse ("Synapse", Synapse: Banalyzer – Online Network Protocol Database) as applied to claim 1 above, and further in view of Tanaka ("Tanaka", 5,249,296).

As per claim 8, which is dependent on claim 1, Zimmerman-Synapse discloses identifying computing systems having a predefined computing function (Zimmerman, Paragraph 3). However, the method of Zimmerman-Synapse fails to distinctly point out displaying an icon to represent functions. However, Tanaka teaches a method of displaying icons to represent functions (Column 1 lines 23-25). It would have been obvious to an artisan at the time of the invention to combine the method of Zimmerman-Synapse with the teaching of Tanaka to visually enhance the model.

Claim 20 is similar in scope to that of claim 8, and is therefore rejected under similar rationale.

***Allowable Subject Matter***

11. Claims 5-7,10,12,17-19,22,24 would be allowed if rewritten to overcome the rejections and objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The patentable distinction of claims 5-7 over the prior art is the limitation of displaying an icon representing a data store that is proximate a bar corresponding to the data store and displaying interconnections between the plurality of data stores. The patentable distinction of claim 10 over the prior art is the limitation of selecting one of the bars and displaying details within the selected bar. The patentable distinction of claim 12 over the prior art is the limitation of selecting a computing system and displaying a plurality of bars representing a sub-system of the selected computing



Art Unit: 2174

system. While the prior art teaches the display of computing layers in a stacked bar relationship, the prior art fails to anticipate or render the above cited limitations obvious.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Monday- Thursday, and on alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro  
Art Unit 2174  
Patent Examiner

RFP

*Kristine Kincaid*  
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